

Legislative Summary

Senate Bill 1159 (Vasconcellos)

The Disease Prevention Demonstration Project (DPDP)

Purpose: To prevent the spread of HIV, hepatitis, and other blood-borne diseases among injection drug users (IDUs), their sexual partners, and their children.

Summary

SB 1159, subject to authorization by a county or city, creates the Disease Prevention Demonstration Project (DPDP), a collaboration between pharmacies and local and state health agencies, and authorizes pharmacists in licensed pharmacies, who have registered with their local health department, to sell ten or fewer hypodermic needles or syringes for human use without a prescription. This provision sunsets on December 31, 2010. SB 1159 requires pharmacies that make such sales to undertake prescribed activities including offering safe syringe disposal programs to ensure that these hypodermic needles and syringes are disposed of in an appropriate manner, and providing written information or verbal counseling on how to access drug treatment and testing and treatment of HIV and hepatitis C virus. SB 1159 allows a person to possess up to ten hypodermic needles or syringes if acquired through an authorized source and deletes both the identity requirement and the requirement that a pharmacist keep detailed recodes of nonprescription sales of hypodermic needles or syringes. SB 1159 requires that the Department of Health Services (DHS) evaluate the effects of allowing the sale hypodermic needles or syringes without a prescription, and submit a report to the Governor and Legislature by January 15, 2010.

What does SB 1159 Do?

General Components

- Establishes the DPDP, a collaboration between pharmacies and local and state health officials, to evaluate the long-term desirability of allowing licensed pharmacists to furnish or sell nonprescription hypodermic needles or syringes to prevent the spread of blood-borne pathogens, including HIV and HCV.

Pharmacy Components

- Authorizes a licensed pharmacist, until December 31, 2010, to sell or furnish ten or fewer hypodermic needles or syringes to a person 18 years old or older for human use without a prescription, if the pharmacist works for a pharmacy that is registered with the local health department for DPDP.

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- Requires participating pharmacies to:
 1. Register with their local health department and certify that they will provide the purchaser with verbal counseling or written information on all of the following: how to access drug treatment; how to access testing and treatment for HIV and HCV; and how to safely dispose of sharps waste;
 2. Store hypodermic needles and syringes so that they are available only to authorized personnel; and
 3. Provide for the safe disposal of hypodermic needles and syringes through one or more of the following options: furnishing, or making available for purchase, mail-back sharps disposal containers that meet state and federal standards; and furnishing or making available for purchase personal sharps disposal containers.
- Deletes the current requirement that a pharmacist keep detailed records of nonprescription sale of hypodermic needles and syringes and deletes the requirement that a signature and address be obtained from the person to whom the need or syringe is furnished.

IDU- Medical Patient Components

- Allows persons 18 years or older to purchase ten or fewer hypodermic needles or syringes without a prescription and pharmacies that are registered with a local DPDP.
- Authorizes, from January 1 2005 to December 31 2010, a person to possess ten or fewer hypodermic needles or syringes if acquired through an authorized source.
- Makes it unlawful to discard or dispose a hypodermic needle or syringe upon the grounds of a playground, beach, park, or any public or private elementary, vocation, junior high or high school. A knowing violation of this prohibition would be punishable by a fine (\$200 – 2000), imprisonment (up to 6 months) or both.
- Exempts syringes that have been appropriately containerized for safe disposal from paraphernalia statutes, i.e., those syringes cannot be used as evidence of possession of drug paraphernalia (a permanent change in law and does not sunset in 2010).

DHS Components

- Requires DHS to convene and uncompensated advisory panel comprised of specialists, representatives, and stakeholders from the State, health, pharmacy, law enforcement and waste management communities.

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- Requires DHS, in conjunction with the advisory panel, to evaluate the effect of allowing licensed pharmacists to furnish or sell a limited number of hypodermic needles or syringes without prescription, and provide a report to the Governor and Legislature on or before January 15, 2010. The report shall include, but not be limited to, the effect of nonprescription hypodermic needle or syringe sale on all of the following:
 1. hypodermic needle or syringe sharing practices among those who inject illegal drugs;
 2. rates of disease infection caused by hypodermic needle or syringe sharing;
 3. needle stick injuries to law enforcement officers and waste management employees;
 4. drug crime or other crime in the vicinity of pharmacies;
 5. safe or unsafe discard of used hypodermic needles or syringes; and
 6. rates of injection of illegal drugs.
- SB 1159 encourages DHS to seek funding from private and federal sources to pay for the evaluation.

Local Health Department Components

- Requires local health departments to:
 1. maintain a list of pharmacies that have registered under DPDP;
 2. make available to pharmacies written information that may be provided or reproduced to be provided in writing or orally by the pharmacy to the customer at the time of furnishing or sale of nonprescription hypodermic needles or syringes. This information will include: how to access drug treatment; how to access testing and treatment for HIV and HCV; and how to safely dispose of sharps waste.